

EX PARTE OR LATE FILED  
LATHAM & WATKINS

PAUL R. WATKINS (1899 - 1973)  
DANA LATHAM (1898 - 1974)

CHICAGO OFFICE

SEARS TOWER, SUITE 5800  
CHICAGO, ILLINOIS 60606  
PHONE (312) 876-7700, FAX 993-9767

HONG KONG OFFICE

SUITE 2205A, 22ND FLOOR  
NO. 9 QUEEN'S ROAD CENTRAL  
HONG KONG  
PHONE + 852-2522-7886, FAX 2522-7006

LONDON OFFICE

ONE ANGEL COURT  
LONDON EC2R 7HJ ENGLAND  
PHONE + 44-171-374 4444, FAX 374 4460

LOS ANGELES OFFICE

633 WEST FIFTH STREET, SUITE 4000  
LOS ANGELES, CALIFORNIA 90071-2007  
PHONE (213) 485-1234, FAX 891-8763

MOSCOW OFFICE

ULITSA GASHEKA, 7, 9TH FLOOR  
MOSCOW 123056, RUSSIA  
PHONE + 7-095 785-1234, FAX 785-1235

NEW JERSEY OFFICE

ONE NEWARK CENTER, 16TH FLOOR  
NEWARK, NEW JERSEY 07101-3174  
PHONE (973) 639-1234, FAX 639-7298

ATTORNEYS AT LAW  
1001 PENNSYLVANIA AVE., N.W.  
SUITE 1300  
WASHINGTON, D.C. 20004-2505  
TELEPHONE (202) 637-2200  
FAX (202) 637-2201

ORIGINAL

NEW YORK OFFICE

885 THIRD AVENUE, SUITE 1000  
NEW YORK, NEW YORK 10022-4802  
PHONE (212) 906-1200, FAX 751-4864

ORANGE COUNTY OFFICE

650 TOWN CENTER DRIVE, SUITE 2000  
COSTA MESA, CALIFORNIA 92626-1925  
PHONE (714) 540-1235, FAX 755-8290

SAN DIEGO OFFICE

701 'B' STREET, SUITE 2100  
SAN DIEGO, CALIFORNIA 92101-8197  
PHONE (619) 236-1234, FAX 696-7419

SAN FRANCISCO OFFICE

505 MONTGOMERY STREET, SUITE 1900  
SAN FRANCISCO, CALIFORNIA 94111-2562  
PHONE (415) 391-0600, FAX 395-8095

SILICON VALLEY OFFICE

135 COMMONWEALTH DRIVE  
MENLO PARK, CALIFORNIA 94025  
PHONE (650) 328-4600, FAX 463-2600

SINGAPORE OFFICE

20 CECIL STREET, SUITE 25-02  
THE EXCHANGE, SINGAPORE 049705  
PHONE + 65-536-1161, FAX 536-1171

TOKYO OFFICE

INFINI AKASAKA, 8-7-15, AKASAKA, MINATO-KU  
TOKYO 107-0052, JAPAN  
PHONE +813-3423-3970, FAX 3423-3971

June 2, 1999

**BY HAND DELIVERY**

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

RECEIVED

JUN 02 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Notice of Ex Parte Presentation:  
IB Docket No. 98-172, RM-9005, RM-9118

Dear Ms. Salas:

Pursuant to Section 1.1206(b) of the Commission's rules, Hughes Electronics ("Hughes") hereby submits this notice of an ex parte presentation.

As a follow up to meetings on May 18 and 19 between representatives of Hughes and the individuals listed below, where arguments reflected in Hughes's written comments in this proceeding were addressed, Hughes today is distributing to those individuals the enclosed two-page written issues summary.

Copies of this Notice of Ex Parte Presentation are being provided to the Commission representatives identified above. An original and six copies are enclosed.

No. of Copies rec'd CHG  
List A B C D E

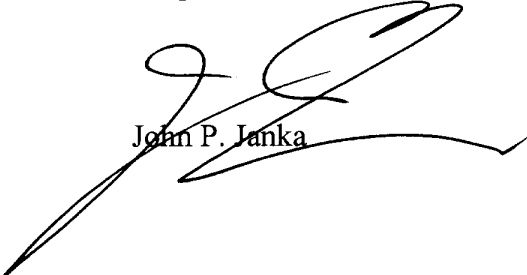
LATHAM & WATKINS

Ms. Magalie Roman Salas

June 2, 1999

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Respectfully submitted,



John P. Janka

cc:

Commissioner Susan Ness

Commissioner Harold Furchtgott-Roth

Mr. Dan Connors

Mr. Ari Fitzgerald

Ms. Jennifer Gilsenan

Ms. Karen Gulick

Mr. Roderick Porter

Mr. Peter Tenhula

Mr. William Trumpbour

Mr. Thomas Tycz

## Spaceway FCC Issues

### ***Broadband satellite service—implementation of the Ka band plan***

- ***Spaceway is the 1<sup>st</sup> committed broadband satellite system—GSO or NGSO***
  - Hughes committed \$1.4B for the initial phase
  - Significant technology and system improvements since system was proposed in 1995
  - Service to the US scheduled to commence in 2002
- ***Spaceway—satellite competition to terrestrial broadband***
  - Spaceway will serve all users—home; small, medium & large businesses
  - Prices 20-30% lower than terrestrial
  - More choices, better service, lower prices—the FCC's objectives
  - However, pending FCC decisions affect our ability to compete
- ***Pending FCC issues affecting Spaceway***
  - Ka band plan reflects a difficult compromise made in 1996 to which all industry—GSO, NGSO, feeder links, LMDS—agreed.
  - Critical the FCC maintain agreed 1 GHz for GSO.
  - 250 MHz of spectrum shared with terrestrial (as FCC proposes) reduces Spaceway capacity, accommodates fewer users, increases prices, and results in a less competitive and less affordable service to the public.
  - Spaceway does not use gateways; all spectrum must support small terminals, which require 1 GHz of downlink spectrum.
  - Downlink issues: Hughes proposes the FCC allocate to GSO FSS 18.1-18.6 (by relocating CARS), in addition to the existing 19.7-20.2 GHz, for a total of 1 GHz of unshared downlink spectrum.
  - Uplink issues: Ubiquitous Spaceway terminals can share 29.25-29.5 GHz with MSS feeder links, but only on conditions agreed by FCC in original band plan. Any changes--dropping MSS constraints—would unfairly imbalance the compromise agreement.

## Spaceway FCC Issues

### ■ *Blanket licensing parameters*

- Spaceway has optimized space-ground network to increase capacity & reduce customer equipment & service costs
- Small, inexpensive terminals key to consumer and small business market
- With lower costs, Spaceway can work for consumers everywhere, rural, urban and suburban, providing affordable, ubiquitous coverage
- Spaceway presented new antenna data to the GSO licensees to show that lower power earth terminals are feasible at desired costs. Measured data from the antenna manufacturers will be presented to GSO licensees on June 15

### ■ *GSO/NGSO sharing issues*

- The FCC has adopted a US band plan segmenting GSO and NGSO primary operations
- Hughes and other licensees are committing \$billions on the basis of that band plan
- The ITU is considering global limits on NGSOs operating on GSO frequencies, but that does not change the US band plan and the FCC has not proposed to do so
- The FCC should maintain its division of GSO and NGSO spectrum at Ka band so US systems can go forward immediately
- Adding NGSOs later would be unfair to the GSO investors and users
- If, contrary to Hughes' position above, the FCC considers authorizing NGSOs on GSO primary spectrum, it should reallocate all Ka band satellite spectrum for shared GSO and NGSO use, with pfd limits on all NGSO operations -- necessary to permit GSO use